

and pink bollworms as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Deputy Administrator.

§ 301.52-9 Movement of live pink bollworms.

Regulations requiring a permit for, and otherwise governing the movement of live pink bollworms in interstate or foreign commerce are contained in the Federal Plant Pest regulations in part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

§ 301.52-10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

Subpart—Mexican Fruit Fly Quarantine and Regulations

SOURCE: 48 FR 54580, Dec. 6, 1983, unless otherwise noted.

§ 301.64 Quarantine and regulations; restrictions on interstate movement of regulated articles.^{1, 2}

(a) *Quarantine and regulations.* The Secretary of Agriculture hereby quarantines the States of California and Texas in order to prevent the artificial spread of the Mexican fruit fly, a dangerous plant pest not heretofore widely prevalent or distributed within and throughout the United States; and hereby establishes regulations govern-

ing the interstate movement of regulated articles specified in § 301.64-2.

(b) *Restrictions on interstate movement of regulated articles.* No common carrier or other person shall move from any regulated area any regulated article interstate into or through American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States, except in accordance with the conditions prescribed in this subpart.

[48 FR 54580, Dec. 6, 1983, as amended at 49 FR 33992, Aug. 28, 1984; 50 FR 14087, Apr. 10, 1985; 55 FR 27181, July 2, 1990; 55 FR 47738, Nov. 15, 1990; 57 FR 521, Jan. 7, 1992; 58 FR 219, Jan. 5, 1993; 58 FR 64103, Dec. 9, 1993; 59 FR 51840, Oct. 13, 1994; 61 FR 2392, Jan. 26, 1996]

§ 301.64-1 Definitions.

Terms used in the singular form in this subpart shall be construed as a plural and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

Certificate. A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such article is eligible for interstate movement in accordance with § 301.64-5(c).

Compliance agreement. A written agreement between Plant Protection and Quarantine and a person engaged in the business of growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

Core area. The 1 square mile area surrounding each property where Mexican fruit fly has been detected.

Day degrees. A mathematical construct combining average temperature over time that is used to calculate the length of a Mexican fruit fly life cycle. Day degrees are the product of the following formula, with all temperatures measured in °F:

(Minimum Daily Temp + Maximum Daily Temp)/2 - 54° = Day Degrees.

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, or any officer or employee of the Department to

¹Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

²Regulations concerning the movement of live Mexican fruit flies in interstate or foreign commerce are contained in part 330 of this chapter.